

ENTERED

September 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES SCHORSCH,

Plaintiff,

VS.

GENE MILLER, *et al*,

Defendants.

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CIVIL ACTION NO. 2:19-CV-323

**ORDER ADOPTING AMENDED MEMORANDUM AND RECOMMENDATION
TO DISMISS CERTAIN CLAIMS AND TO RETAIN CASE**

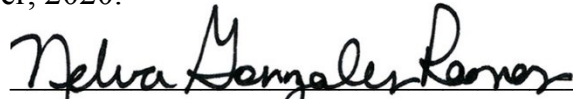
On August 11, 2020, United States Magistrate Judge Jason B. Libby issued his “Amended Memorandum and Recommendation to Dismiss Certain Claims and to Retain Case” (D.E. 24) (incorporating by reference certain portions of his earlier Memorandum and Recommendation (M&R, D.E. 12), noting objections filed to that M&R). Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Amended Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Amended Memorandum and Recommendation (D.E. 24), and all

other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, (1) Plaintiff's retaliation claim is **RETAINED** against Dr. Kwarteng in his official capacity for injunctive relief only; (2) Plaintiff's ADA claim is **RETAINED** against the TDCJ; and (3) all other claims Plaintiff brought against these or the remaining defendants are **DISMISSED WITH PREJUDICE** for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

ORDERED this 29th day of September, 2020.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE